

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TOPRX INC.,

Plaintiff,

v.

Case No. 09-C-0742

CEDARBURG PHARMACEUTICALS INC.,
CEDARBURG GENERIC LLC,

Defendants.

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO
COMPEL DISCOVERY AND FOR SANCTIONS (DOC. # 17)

For the reasons set forth on the record during the June 9, 2010, hearing,

IT IS ORDERED that defendants' motion to compel discovery and for sanctions is granted in part and denied in part. No sanctions will be imposed inasmuch as the court finds that plaintiff's refusal to provide documents was in good faith.

IT IS FURTHER ORDERED that plaintiff shall respond to request no. 3 of defendants' November 17, 2009, requests for production of documents, interrogatories and requests to admit by providing those portions of the TopRx, Inc., 2006 and 2007 tax returns which have an impact on TopRx Compounding Supplies, LLC (TRCS) and Cedarburg Pharmaceuticals, Inc., or which clarify the TRCS financial information to be produced.

IT IS FURTHER ORDERED that the above information shall be provided on or before November 12, 2010.

IT IS FURTHER ORDERED that on or before November 12, 2010, the parties shall confer and submit a joint proposed scheduling order with deadlines for discovery and

dispositive motions. A STATUS CONFERENCE will be held on **November 30, 2010, at 11:00 a.m.**

IT IS FURTHER ORDERED that the parties confer regarding a possible confidentiality stipulation on or before November 12, 2010. No stipulation regarding confidentiality will be approved unless it complies with the court's Procedures for Litigants and provides that any document treated as confidential by the parties will be tendered for filing under seal only after a separate motion to seal has been submitted and good cause for sealing has been shown.

Dated at Milwaukee, Wisconsin, this 20th day of October, 2010.

BY THE COURT

/s/ C. N. Clevert, Jr.
C. N. CLEVERT, JR.
CHIEF U. S. DISTRICT JUDGE